IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

Crl.MC.No. 3641 of 2007()

AGAINST THE ORDER DATED 05/10/2007 IN IA 663/2006 IN OS.422/2000 of MUNSIFF'S COURT, MANJERI

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PETITIONER/RESPONDENT IN I.A.NO.663/06:

JOSE, S/O. LATE KUNNUMPURATH MATHEW,
PAYYANAD AMSOM, DESOM IN ERNAD TALUK.

BY ADV. SRI.T.K.AJITH KUMAR
SRI.P.VINODKUMAR

RESPONDENTS/PETITIONER IN I.A:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. VIJAYAN, S/O. PULIKKOTTIL LAKSHMI AMMA,
MANJERI AMSOM, DESOM, ERNAD TALUK.

3. SREELATHA, D/O. SANTHAKUMARI AMMA,
MANJERI AMSOM, DESOM, ERNAD TALUK.

4. VIJAYALAKSHMI, D/O. LAKSHMIKUTTY AMMA,
MANJERI AMSOM, DESOM, ERNAD TALUK.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3641 of 2007

Dated this the 5th day of December 2007

O R D E R

The challenge in this Criminal Miscellaneous Case is virtually against an order passed under Section 340 Cr.P.C by a subordinate court - Munsiff Court at Manjeri, that a complaint be filed before a criminal court. That order is appealable under Section 341 Cr.P.C. In the wake of that effective remedy under the Code, I find absolutely no reason to invoke the extraordinary inherent jurisdiction of this court under Section 482 Cr.P.C to entertain what virtually is an appeal against the order passed under Section 340 Cr.P.C.

2. This Criminal Miscellaneous Case is accordingly dismissed. Needless to say, the petitioner's right to file an appeal under Section 341 Cr.P.C shall remain unfettered by the dismissal of this Criminal Miscellaneous Case.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007